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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,960	09/19/2005	Ian James Day	BAC-116-A	4440
7590 Plunkett & Cooney Suite 3000 38505 Woodward Avenue Bloomfield Hills, MI 48304			EXAMINER WILKENS, JANET MARIE	
			ART UNIT 3637	PAPER NUMBER
			MAIL DATE 10/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/936,960

Applicant(s)

DAY ET AL.

Examiner

Janet M. Wilkens

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/18/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Information Disclosure Statement

The listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).

Specification

The disclosure is objected to because of the following informalities: there are no headings, e.g. "Brief Description of the Drawings", etc. in the specification. Appropriate correction is required.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the hardware must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 24, 26, 29 and 34-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For claim 24, it is unclear what makes the surfaces sealing surfaces since no sealing material is claimed. For claims 26 and 34, the term "plate-like" renders the claim indefinite since it is unclear what range of structures are included by "-like". For claim 29, the dependency is improper/indefinite. Namely, the dependency cannot read "any one of claims 35 to 30".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 23-25, 27, 30, 32, 33, 33/35, 35, 39, 41, and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Field (3,858,989). Field teaches an enclosure having metal/thermally conductive corner pieces including one piece elements (1) having projecting portions (2, 15) and with apparatus (3) there between. The projecting portions extend into at least 5 percent of the spacing between the first and second sides of the enclosure and have a length at least equal to its own thickness (see Fig. 5). Also dowels (6) are used to attach the portions and apparatus together. Please note that product by process limitations are given no weight in article claims. Therefore, stating that the elements are formed via casting and machining is irrelevant in claims 23 and

Art Unit: 3637

24, However, for the method claims 41 and 42, it should be pointed out that the pieces are stated as being casted and inherently would have been machined in some manner to acquire their final form.

Claims 23-25, 27, 30, 32, 33, 33/35, 35, 37, 39, 41, and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Neri (4,691,970). Neri teaches an enclosure having metal/thermally conductive corner pieces including one piece elements (4) having projecting portions (10) and with apparatus (27) there between. The projecting portions extend into at least 5 percent of the spacing between the first and second sides of the enclosure and have a length at least equal to its own thickness (see Fig. 5). Also dowels (17) are used to attach the portions and apparatus together. Please note that product by process limitations are given no weight in article claims. Therefore, stating that the elements are formed via casting and machining is irrelevant in claims 23 and 24, However, for the method claims 41 and 42, it should be pointed out that the pieces would have inherently been casted and machined in some manner to acquire their final form.

Claims 23, 24, 26, 27, 30, 32, 34, 34/35, 32/35, 39, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Weidt (3,847,460). Weidt teaches an enclosure (Fig. 2) having thermally conductive corner pieces including two plates (1) having projecting portions (3) and with apparatus/dowels (21) there between. The projecting portions extend into at least 5 percent of the spacing between the first and second sides of the enclosure and have a length at least equal to its own thickness (see Fig. 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 28, 33/35/36, 35/36, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Field in view of Gasparro (4,021,127). As stated above, Field teaches the limitations of claim 23, 27, 32, 33, and 35, including an enclosure fixing apparatus and corner elements. For claims 28, 33/35/36, 35/36 and 43, Field fails to specifically teach that the fixing apparatus come in various sizes. Gasparro teaches having fixing apparatus (4) of various sizes so as for form differently shaped, e.g. rectangular or square, enclosures (see Fig. 4). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the enclosure of Field by incorporating variously sized fixing apparatus therein, for the advantage stated above.

For claims 43 and 44, Field in view of Gasparro fails to specifically teach that hardware is stored therein. The examiner takes Official notice that hardware in enclosures is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the enclosure of Field in view of Gasparro by storing any of a number of items therein, including hardware, depending on the desired need of the person using/constructing the

enclosure. For method claims 43 and 44, since Field in view of Gasparro teach all of the features of the claims, the method steps would inherently be provided for.

Claims 31 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Field. As stated above, Field teaches the limitations of claims 23 and 32, including an enclosure fixing apparatus and corner elements. For claims 31 and 38, Field fails to specifically teach that hardware is stored therein. The examiner takes Official notice that hardware in enclosures is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the enclosure of Field by storing any of a number of items therein, including hardware, depending on the desired need of the person using/constructing the enclosure.

Claims 28, 33/35/36, 35/36, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neri in view of Gasparro (4,021,127). As stated above, Neri teaches the limitations of claim 23, 27, 32, 33, and 35, including an enclosure fixing apparatus and corner elements. For claims 28, 33/35/36, and 35/36, Neri fails to specifically teach that the fixing apparatus come in various sizes. Gasparro teaches having fixing apparatus (4) of various sizes so as for form differently shaped, e.g. rectangular or square, enclosures (see Fig. 4). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the enclosure of Neri by incorporating various sized fixing apparatus therein, for the advantage stated above.

For claims 43 and 44, Neri in view of Gasparro fails to specifically teach that hardware is stored therein. The examiner takes Official notice that hardware in enclosures is well known in the art. Therefore, it would have been obvious to one

having ordinary skill in the art at the time of the invention to modify the enclosure of Neri in view of Gasparro by storing any of a number of items therein, including hardware, depending on the desired need of the person using/constructing the enclosure. For method claims 43 and 44, since Neri in view of Gasparro teach all of the features of the claims, the method steps would inherently be provided for.

Claims 31 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neri. As stated above, Neri teaches the specifications of claims 23 and 32, including an enclosure fixing apparatus and corner elements. For claims 31 and 38, Neri fails to specifically teach that hardware is stored therein. The examiner takes Official notice that hardware in enclosures is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the enclosure of Neri by storing any of a numbers of items therein, including hardware, depending on the desired need of the person using/constructing the enclosure.

Claims 31 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weidt. As stated above, Weidt teaches the specifications of claims 23 and 32, including an enclosure fixing apparatus and corner elements. For claims 31 and 38, Weidt fails to specifically teach that hardware is stored therein. The examiner takes Official notice that hardware in enclosures is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the enclosure of Weidt by storing any of a numbers of items therein, including hardware, depending on the desired need of the person using/constructing the enclosure.

Art Unit: 3637

Allowable Subject Matter

Claim 34/35/36 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wilkens
September 27, 2007

/Janet Wilkens/
Primary Examiner
Art Unit 3637